

292644

Minges, Josh

From: Dulin, Rebecca Jean <Rebecca.Dulin@duke-energy.com>
Sent: Tuesday, July 7, 2020 4:53 PM
To: Snowden, Ben-kilpatricktownsend; Minges, Josh; Heather Smith; Heather Smith; richard@rlwhitt.law; Pittman, Jenny; fellerbe@robinsongray.com; fellerbe@robinsongray.com; stanfield@smwlaw.com
Cc: Boyd, Jocelyn; Butler, David
Subject: [External] RE: Request for a Status Update on Docket No. 2017-332-E

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Thank you, Ben. I agree generally with your characterization of the settlement discussions.

Thanks,
 Rebecca

From: Snowden, Ben <BSnowden@kilpatricktownsend.com>
Sent: Tuesday, July 7, 2020 4:17 PM
To: Minges, Josh <Josh.Minges@psc.sc.gov>; Dulin, Rebecca Jean <Rebecca.Dulin@duke-energy.com>; Dulin, Rebecca Jean <Rebecca.Dulin@duke-energy.com>; Smith, Heather Shirley <Heather.Smith@duke-energy.com>; Smith, Heather Shirley <Heather.Smith@duke-energy.com>; richard@rlwhitt.law; Pittman, Jenny <jpittman@ors.sc.gov>; fellerbe@robinsongray.com; fellerbe@robinsongray.com; stanfield@smwlaw.com
Cc: Boyd, Jocelyn <Jocelyn.Boyd@psc.sc.gov>; Butler, David <David.Butler@psc.sc.gov>
Subject: [EXTERNAL] RE: Request for a Status Update on Docket No. 2017-332-E

*** CAUTION! EXTERNAL SENDER ***

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 Dear Josh,

Duke and the Petitioners are currently engaged in broad-ranging settlement discussions that may resolve the issues raised in the Petition. The issues are complex and so we can't provide a defined time frame, but if negotiations are successful we're hopeful we could have a document sometime in the next 1-2 months.

Rebecca and I have discussed this and I believe we're in agreement, but she can correct me if she has a different understanding.

Ben

Ben Snowden

Kilpatrick Townsend & Stockton LLP

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From: Minges, Josh <Josh.Minges@psc.sc.gov>

Sent: Thursday, July 2, 2020 2:32 PM

To: Rebecca J. Dulin <Rebecca.Dulin@duke-energy.com>; Rebecca J. Dulin <Rebecca.Dulin@duke-energy.com>; Heather Smith <heather.smith@duke-energy.com>; Heather Smith <heather.smith@duke-energy.com>; richard@rlwhitt.law; Pittman, Jenny <jpittman@ors.sc.gov>; fellerbe@robinsongray.com; fellerbe@robinsongray.com; Snowden, Ben <BSnowden@kilpatricktownsend.com>; stanfield@smwlaw.com
Cc: Boyd, Jocelyn <Jocelyn.Boyd@psc.sc.gov>; Butler, David <David.Butler@psc.sc.gov>
Subject: Request for a Status Update on Docket No. 2017-332-E

Parties:

Would you please provide a status update on Docket No. 2017-332-E.

Thank you.

Josh Minges
 Staff Counsel
 Public Service Commission of South Carolina
 101 Executive Center Drive, Suite 100
 Columbia, South Carolina 29210-8412
 (803) 896-1500

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Minges, Josh

From: Snowden, Ben <BSnowden@kilpatricktownsend.com>
Sent: Tuesday, July 7, 2020 4:31 PM
To: Rebecca J. Dulin; Minges, Josh; richard@rlwhitt.law; Heather Smith; Heather Smith; fellerbe@robinsongray.com; fellerbe@robinsongray.com; Bateman, Andrew; Dowdy, Joe
Cc: Boyd, Jocelyn; Butler, David
Subject: [External] RE: Status Update for Docket 2017-281-E

Dear Josh,

Complainants disagree with Duke's position that Act 62 resolves the issues raised in the Complaint. The Complaint seeks an order compelling Duke to enter into PURPA-compliant PPAs with the QFs identified in the complaint. Although Duke now offers PPAs with a contract of 10 years as required by Act 62, it is offering to do so only at current avoided cost rates, rather than rates calculated as of the date those projects incurred legally enforceable obligations under PURPA. Act 62 specifically preserved the existing PURPA rights of QFs established prior to the effective date of the Act. SC Code Ann. 58-41-20(F)(1). Therefore the Complainants' demand for PURPA-compliant PPAs remains unresolved.

That being said, Complainants made a settlement offer to Duke on July 2, 2020, which we understand the Company is considering. We will provide an update if settlement discussions are successful, or if they terminate without an agreement being reached.

Ben Snowden

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From: Dulin, Rebecca Jean <Rebecca.Dulin@duke-energy.com>
Sent: Tuesday, July 7, 2020 12:39 PM
To: Minges, Josh <Josh.Minges@psc.sc.gov>; richard@rlwhitt.law; Smith, Heather Shirley <Heather.Smith@duke-energy.com>; Smith, Heather Shirley <Heather.Smith@duke-energy.com>; fellerbe@robinsongray.com; fellerbe@robinsongray.com; Bateman, Andrew <abateman@ors.sc.gov>; Snowden, Ben <BSnowden@kilpatricktownsend.com>; Dowdy, Joe <JDowdy@kilpatricktownsend.com>
Cc: Boyd, Jocelyn <Jocelyn.Boyd@psc.sc.gov>; Butler, David <David.Butler@psc.sc.gov>
Subject: RE: Status Update for Docket 2017-281-E

Josh,

Duke continues to believe that Act 62's requirement for Duke to offer power purchase agreements with a 10-year term for all small power producer QFs resolves the underlying issues in this case, as described in Duke's Report to the Commission filed on May 16, 2019 in this docket. Since the enactment of Act 62, Duke has offered to purchase the output from all small power producer QFs with a contract length of 10 years. The PPA governing such purchases of QF power was approved by the Commission in Docket Nos. 2019-185-E and 2019-186-E and was most recently filed by Duke in those dockets on May 15, 2020.

Regards,
Rebecca

From: Minges, Josh <Josh.Minges@psc.sc.gov>

Sent: Thursday, July 2, 2020 2:29 PM

To: richard@rlwhitt.law; Dulin, Rebecca Jean <Rebecca.Dulin@duke-energy.com>; Dulin, Rebecca Jean <Rebecca.Dulin@duke-energy.com>; Smith, Heather Shirley <Heather.Smith@duke-energy.com>; Smith, Heather Shirley <Heather.Smith@duke-energy.com>; fellerbe@robinsongray.com; fellerbe@robinsongray.com; Bateman, Andrew <abateman@ors.sc.gov>; Snowden, Ben-kilpatricktownsend <BSnowden@kilpatricktownsend.com>; jdowdy@kilpatricktownsend.com

Cc: Boyd, Jocelyn <Jocelyn.Boyd@psc.sc.gov>; Butler, David <David.Butler@psc.sc.gov>

Subject: [EXTERNAL] Status Update for Docket 2017-281-E

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Parties:

Would you please provide a status update on Docket No. [2017-281-E](#).

Thank you.

Josh Minges
Staff Counsel
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(803) 896-1500

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